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AUG 25 2008

In re Application of Selsdon : Decision on Petition
Application No. 10/552,907 :
Filing Date: January 30, 2008 :
Attorney Docket No. GJ-268J :

This is a decision on the petition under 37 CFR 1.181 filed June 9, 2008, requesting the Office transfer papers filed January 30, 2008, in Application No. 10/522,907, to Application No. 10/552,907.

The petition is **granted**.

A non-final Office action was mailed October 29, 2007.

A reply was filed January 30, 2008. The reply was timely because it included a certificate of mailing date of January 28, 2008. Unfortunately, due to a typographical error, the reply papers listed the application number as "10/522,907."

Petitioner requests the January 30, 2008, be transferred to the instant application and requests the reply be considered as timely filed.

At the discretion of the Office, a paper listing an incorrect application number may be considered timely and proper. The Office will accept papers as timely filed if the following criteria are met:

- (1) The papers contained sufficient information for the Office to recognize they included an incorrect application number.
- (2) The papers contained sufficient information for the Office to determine the correct application number.

As for item (1) above, a review of the amendment and the file for the incorrect application immediately indicates the amendment was intended for another application.

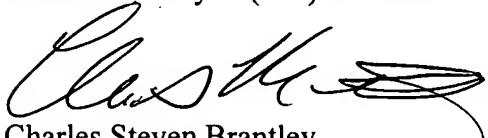
As for item (2) above, the papers correctly identified the inventor, the filing date, the attorney docket number, the examiner, and the group art unit handling the matter.

Since the requirements above have been met, the papers filed January 30, 2008, have been transferred to the correct application. In addition, the papers will be treated as a timely reply to the non-final Office action mailed October 29, 2007.

Since the Office treated the petition as a petition under 37 CFR 1.181, the Office has not charged a petition fee to petitioner's deposit account.

Technology Center Art Unit 1797 will be informed of the instant decision and the papers filed January 30, 2008, will be considered by the examiner in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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